

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE PIAZZA FAMILY TRUST II : **CIVIL ACTION**
:
v. : **NO. 17-1704**
:
ANTHONY CIARROCCHI :

ORDER

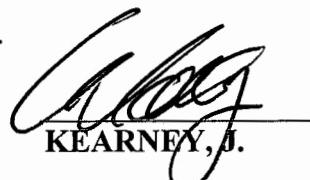
AND NOW, this 6th day of November 2017, upon considering Third Party Defendants Kevin W. Smith's and Kevin W. Smith & Associates, Inc.'s Motion to dismiss (ECF Doc. No. 55) and Motion to sever and transfer (ECF Doc. No. 56), Defendant Anthony Ciarrocchi's Response (ECF Doc. No. 61) and for reasons in the accompanying Memorandum, it is

ORDERED:

1. Kevin W. Smith and Kevin W. Smith & Associates, Inc.'s Motion to sever and transfer (ECF Doc. No. 56) the third party complaint against them under a valid forum selection clause in the asset purchase agreement and share transfer agreement is **GRANTED** and the Clerk of Court shall forthwith **transfer** the third-party claims filed by Anthony Ciarrocchi against Kevin W. Smith individually and Kevin W. Smith & Associates, Inc. to the Clerk of the United States District Court for the Northern District of Texas (Fort Worth Division);

2. Kevin W. Smith and Kevin W. Smith & Associates, Inc.'s Motion to dismiss (ECF Doc. No. 55) is **DENIED** as **moot** subject to being renewed before the United States District Court in the Northern District of Texas; and,

3. As the same issues are now being fully litigated in this Court as we prepare for the date certain April 30, 2018 trial date (ECF Doc. No. 58), we urge the parties to coordinate discovery in both fora consistent with Fed.R.Civ.P. 1.



KEARNEY, J.